

DEPARTMENT OF THE ARMY  
GENERAL PERMIT

Authorization No.: (General Permit)NOD-8  
Original Authorization Date: August 25, 1978  
Expiration Date: April 30, 2005

Under authorization granted in applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, the District Engineer at New Orleans has determined that it is in the public interest to issue a general permit to authorize the installation and maintenance of flowlines in man-made oilfield canals in the New Orleans District and outside of the boundaries of the Louisiana Coastal Management Zone (CMZ), subject to the conditions contained in this general permit. The attached map shows the approximate boundaries of the New Orleans District and the CMZ.

Flowlines are small pipelines, usually with diameters ranging from 2 inches to 6 inches, used to convey petroleum, natural gas, fuel, air, water, brine, and similar fluids within an oil and/or gas field. A typical flowline installation is shown on the attached drawings.

Specific legislation requiring Department of the Army permits for work of this nature are:

- a. Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) .
- b. Section 404 of the Clean Water Act (33 USC 1344).

Work may not be performed under authority of this general permit within the following areas:

- a. Within any natural stream
- b. Within any drainage or irrigation ditch.
- c. Within any publicly owned waterway.

d. Within 500 feet of any stream included in a national or state system of scenic or natural waterways without a scenic waterway permit or other approval from the Louisiana Department of Wildlife & Fisheries.

e. Within 1.0 mile of a site eligible to be listed on the National Register of Historic Places or within 0.5 of a mile of a known archeological site or within 0.5 of a miles of any known cultural resource sit.

f. Within 1,000 feet of a levee or floodwall which was constructed or maintained with federal funds, or owned and operated by agencies of state and local government without written consent of the appropriate agency or governing body.

g. Within the boundaries of a national or state wildlife refuge, game management area; national and state parks; or similar area without specific authorization by the manager of the facility.

h. Within 1,500 feet of a colonial bird nesting site.

i. Within any area where the activity is likely to adversely affect federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species.

j. Within 3,000 feet of a bald eagle nesting site.

In addition to the appropriate conditions of the Department of the Army permit form (ENG Form 1721), as shown on the attached copy of the form, the work authorized by this general permit is subject to the following special conditions:

a. No work may be performed until the applicant submits satisfactory plans for the proposed activity and has received approval by the District Engineer.

b. This permit may be suspended in whole or in part, modified, and/or revoked if the District Engineer determines such action to be in the public interest. If the permit is revoked, suspended, and/or modified, the action will be announced by public notice.

c. All required state and local authorizations, licenses, or permits must be obtained before work authorized by this general permit may be legally performed.

d. Additional conditions deemed necessary to protect the public interest may be added by the District Engineer at any time. Any additional conditions added to the general permit will be announced by the public notice.

e. If cultural artifacts are uncovered by work authorized by this general permit, the work must be suspended and notification given to the State Historic Preservation Office. Work may not be resumed until provisions for study, recovery, and/or preservation of the artifacts have been made.

f. In cases when the District Engineer deems it necessary in the public interest, authorization to perform work under this general permit may be denied and the applicant required to obtain an individual Department of the Army permit in order to legally perform the desired work.

g. Flowlines installed in wetlands adjacent to the crossings authorized by this permit must either be installed in small trenches which are backfilled with the material excavated from them or laid on the surface of the ground.

h. Material excavated for flowline crossings may be stockpiled on areas previously used for deposits of dredged or fill material. Material not used for backfill may not be left in any waterways or wetland areas.

i. Material excavated for a flowline crossing may not be deposited in such a manner as to impeded normal water flows in the area.

j. Any breaks or gaps made in existing spoil banks in wetlands must be backfilled to pre-project conditions.

k. Flowlines eligible for this general permit must not exceed 1 mile in length.

l. Clean rock, shells, broken concrete, and concrete mats may be placed over backfills of canal banks authorized by this general permit to prevent or reduce erosion.

m. Material installed for erosion protection must be placed in such a manner that it does not extend more than 18 inches above adjoining undisturbed canal banks.

n. If, in the judgment of the District Engineer, the applicant does not at all times exercise due caution in the handling of oil, gas, or other pollutive, noxious, or lethal substances, to prevent conditions deleterious to health or seafood, or hazardous to navigation, or dangerous to persons or property engaged in commerce or otherwise on said waters, or fails on demand to remove promptly any structure or structures or parts thereof, no longer used for the purpose for which they are constructed, the approval may be revoked and all operations authorized by it may be terminated.

o. Permittee must install and maintain, at his expense, any safety lights, signs, and signals prescribed by the U.S. Coast guard, through regulations or otherwise, on its authorized flowline(s).

p. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

q. Flowlines shall be routed to follow existing impact corridors, such as other flowlines or spoil banks, rather than crossing undisturbed marsh, to the greatest extent practicable.

r. The permittee agrees that he will prosecute the construction or work authorized herein in a manner which will minimize any degradation of water quality.

s. The permittee shall allow the District engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

t. Any modification, suspension, or revocation of this general permit shall not be the basis for any claim for damages against the United States.

u. The permittee may be required to remove abandoned flowlines by the District Engineer if it is found to be in the public interest to do so.

v. Individual approvals granted under this general permit allow 5 years from the date of the approval letter to complete the project.

w. To meet state water quality standards, projects authorized under this general permit shall ensure that: any fill material must be free of contaminants; upon replacement or removal from service the pipelines shall be removed or a state-approved abandonment plan must be obtained; and there are no unpermitted discharges of oil field wastes.

x. Projects must include a compensatory mitigation plan to offset unavoidable wetland losses. This plan will adhere as closely as possible to the requirements of the Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency (i.e., compensatory mitigation will generally be in-kind, performed within the same geographical area as the project site, etc.). The compensatory mitigation plan must provide a minimum of 1 to 1 acreage replacement with

each plan evaluated on the basis of conditions existing at the proposed project site. Compensatory mitigation may consist of wetland creation, enhancement, participation in an approved mitigation bank, etc. The plan should be designed to replace the functions of the affected project site. It may be performed on federal wildlife refuges, state wildlife management areas, and parish or private lands. The plan must include a letter from the refuge or land manager agreeing to the proposed plan.

Compensatory mitigation shall be commenced within 90 days of abandonment or installation of flowlines and shall be completed no later than 2 years from the date of commencement of work authorized under this general permit.

y. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.